

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**April 5, 2005**

DIVISION ONE

B176511      Raul Rodriguez                      (Not for Publication)  
                 v.  
                 Fireman's Fund Insurance Company

We reverse the order of dismissal and remand with directions to grant plaintiff leave to amend his complaint. Plaintiff is awarded his costs.

Suzukawa, J. (Assigned)

We concur:    Spencer, P.J.  
                 Vogel (Miriam A.), J.

B170073      Wright                                      (Not for Publication)  
                 v.  
                 Superior Court, Los Angeles County  
                 (Wright, as Trustee, etc., r.p.i.)

We deem the appeal to be a petition for writ of mandate. Therefore, let a writ of mandate issue, commanding respondent superior court to vacate its order of June 30, 2003, granting the summary judgment motion of Walbridge Ward Wright and to issue a new and different order denying same, in Los Angeles Superior Court case No. BC262752, entitled *Mabel Bassett Wright v. Walbridge Ward Wright, as Trustee, etc.* Mabel Bassett Wright is entitled to her costs in this proceeding.

The writ of supersedeas is hereby terminated.

Mallano, J.

We concur:    Spencer, P.J.  
                 Suzukawa, J. (Assigned)

April 5, 2005 (Continued)

DIVISION THREE

B171013 People (Not for Publication)  
v.  
Camille

The conviction of false imprisonment is reversed, the term imposed for impersonating a police officer in count 4 is stayed, the conviction of sexual battery by restraint is reduced to misdemeanor sexual battery in violation of section 234.4, subdivison (e)(1). The matter is remanded for resentencing on the misdemeanor sexual battery county and for rehearing on the motion for new trial. In all other respects, the judgment is affirmed. The petition for writ of habeas corpus is denied.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B176402      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Latif M.

The judgment is affirmed.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

April 5, 2005 (Continued)

## DIVISION FOUR

B174704 People (Not for Publication)  
v.  
Hypolite

The judgment is affirmed.

Curry, J.

We concur: Epstein, P.J.  
Hastings, J.

B175647      Astacio      (Not for Publication)  
v.  
Astacio

The order is affirmed. Respondent is awarded costs on appeal.

Curry, J.

We concur: Hastings, Acting P.J.  
White, J. (Assigned)

B170739 Paul et al. (Certified for Publication)  
v.  
Schoellkopf et al.

The loss of use damages calculation is ordered reduced to 10 percent per year for the applicable period, on \$325,000. The order granting attorney fees is reversed. The setoff calculation is affirmed. The order awarding \$75,000 damages for failure to install the fire hydrant is affirmed. The case is remanded to the superior court for entry of a new judgment consistent with this opinion. In all other respects the judgment is affirmed. The parties are to bear their own costs on appeal.

Epstein, P.J.

We concur: Hastings, J.  
Grimes, J. (Assigned)

April 5, 2005 (Continued)

DIVISION FOUR (Continued)

B175545      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Sandra J.

The order terminating parental rights is affirmed.

Hastings, J.

We concur: Epstein, P.J.  
Grimes, J. (Assigned)

B166034      People      (Not for Publication)  
v.  
Perez et al.

The sentence of Salvador Gomez is reversed and the cause is remanded to the trial court for further proceedings consistent with this opinion and in all other respects the judgment is affirmed.  
The judgment of Alfredo Perez is affirmed.

Curry, J.

We concur: Epstein, P.J.  
Hastings, J.

B170739      People      (Not for Publication)  
v.  
Montes

We modify the abstract of judgment to reflect a one year sentence for count 4. The judgment is affirmed in all other respects.

Epstein, P.J.

We concur: Hastings, J.  
Grimes, J. (Assigned)

April 5, 2005 (Continued)

DIVISION FOUR (Continued)

B175069      Anandan et al.                      (Not for Publication)  
                 v.  
                 Singapore Airlines Limited et al.

The order dismissing the action due to forum non conveniens is affirmed.  
Respondents shall have their costs on appeal.

Hastings, J.

We concur: Epstein, P.J.  
                 Grimes, J. (Assigned)

B179895      Tiffany P.                                      (Not for Publication)  
                 v.  
                 Superior Court, Los Angeles County  
                 (Los Angeles County Department of Children and Family Services et al.  
                 (r.p.i.)

The petition is denied.

Curry, J.

We concur: Epstein, P.J.  
                 Grimes, J. (Assigned)

DIVISION FIVE

Court reconvened at 9:00 a.m.

Present: Turner, P.J., Mosk, J., Kriegler, J. (Assigned) and J. Belcher, Deputy Clerk.

Each of the following:

B174818 Peo v. Sanford  
B180940 Peo v. Graham  
B175117 Peo v. Arredondo

Argument waived, cause submitted.

DIVISION FIVE (Continued)

B181026 Muneaki Okuyama  
v.  
The Quisenberry Law Firm et al

Merits:  
Argued by Paul D. Murphy for respondents. Appellant waived argument.  
Cause submitted.

B176828 Robyn Sheets  
v.  
County of Los Angeles

Merits:  
Argued by Heather Appleton for appellant and by Dawn M. Matsuo for  
respondent. Cause submitted.

B176522 Hotels Nevada  
v.  
Bridge Banc

Merits:  
Argued by John Leonard for appellant and by Mark James for respondent.  
Submission deferred, additional briefs due. Cause to be submitted April 15,  
2005.

B175287 Lynette Johnson  
v.  
Kaiser Permanente

Merits:  
Argued by Timothy Donohue for appellants and by Vangi Johnson for  
respondent. Cause submitted.

April 5, 2005 (Continued)

DIVISION FIVE (Continued)

B175117     Milton Kramer  
                 v.  
                 Warren Kramer

Merits:

Argued by Alex Borden for appellant and by Tyna Orren for respondent.  
Cause submitted.

Court recessed at 10:20 a.m.

Court reconvened at 11:00 a.m.

Present: Armstrong, Acting P.J., Mosk, J., Kriegler, J. (Assigned) and J. Belcher, Deputy Clerk.

Each of the following:

B173331 Peo v. Bautista & Moran  
B173801 Peo v. Collins  
B178481 DCFS v. Jennifer D. in re Michelle W.

Argument waived, cause submitted.

B175505     Martha Rodriguez  
                 v.  
                 City of Santa Clarita

Merits:

Argued by Joseph Lovretovich for appellant and by Beverly Mills for respondents. Cause submitted.

Court adjourned

April 5, 2005 (Continued)

DIVISION FIVE (Continued)

B177021      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Theresa C.  
In re Denise F.

The order terminating the mother's parental rights is conditionally reversed. The matter is remanded to the juvenile court with directions to insure there is full compliance with the Indian Child Welfare Act. If, after notice is given and received as required, there is no response or it is determined the child does not further come within the confines of the Indian Child Welfare Act, the order terminating the parental rights immediately shall be reinstated. If it is determined that the child is an Indian child within the meaning of the Indian Child Welfare Act, the juvenile court shall proceed accordingly.

Turner, P.J.

We concur:    Armstrong, J.  
                  Kriegler, J. (Assigned)

DIVISION SIX

B179506      People      (Not for Publication)  
v.  
Davis

The judgment is affirmed.

Coffee, J.

We concur:    Yegan, Acting P.J.  
                  Perren, J.

April 5, 2005 (Continued)

DIVISION SEVEN

B170124 Farnham (Not for Publication)  
v.  
Rehwald et al.,

The judgment is reversed. The order sustaining Rehwald's demurrers without leave to amend is reversed; all other orders on appeal are sustained. The cause is remanded to the trial court for further proceedings not inconsistent with this opinion with respect to Farnham's claims for fraud and breach of fiduciary duty. The parties are to bear their own costs on appeal.

Perluss, P.J.

We concur: Woods, J.  
Zelon, J.

B175421 People  
v.  
Powell

Filed order denying petition for rehearing.

B174656      People  
v.  
Felton

Filed order vacating opinion filed March 9, 2005.

B174696      Marcus & Millichap Real Estate Investment Brokerage Co. et al.,  
v.  
Woodman Investment Group et al.,

Filed order vacating submission order of March 3, 2005. The cause will be resubmitted upon completion of the supplemental briefing permitted by this order.

April 5, 2005 (Continued)

DIVISION EIGHT

B176948      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Elizabeth E.,  
In re Ashely M., et al., Persons Coming Under the Juvenile Court Law.

The order appealed from is affirmed.

Boland, J.

We concur: Rubin, Acting P.J.  
Flier, J.